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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Rossi
Patent No.: 7,070,996
Issued: July 4, 2006
Serial No.: 10/053,355
Filed: November 8, 2001
For: PRODUCTION OF CULTURED HUMAN
MAST CELLS AND BASOPHILS FOR
HIGH THROUGHPUT SMALL
MOLECULE DRUG DISCOVERY

Docket No: 375462-002US (355034)
Confirmation No.: 5867
Group Art Unit: 1633
Examiner: Li, Q.J.

Certificate
AUG 10 2006
of Correction

**REQUEST FOR CERTIFICATE OF CORRECTION OF OFFICE MISTAKE
UNDER 37 C.F.R. § 1.322**

Attn: Certificate Of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Patentee requests that a Certificate of Correction be issued due to Patent Office mistake in United States Letters Patent No. 7,070,996, issued **July 4, 2006**, as set forth in the attached PTO/SB/44 (Rev. 10/96) Certificate of Correction. Upon reviewing the claims, the patentee noted the following typographical error was made by the Patent and Trademark Office, which should be corrected as follows:

In column 60, claim 10, line 32, please change “ 10^8 ” to -- 10^7 -- .

The correct text is shown in previously numbered Claim 46, corresponding to newly renumbered Claim 10 of the issued patent, of the Amendment filed on November 3, 2005, a copy of which is attached. Claim 46 reads as follows:

“The method of claim 37 in which the proliferated population of progenitor cells comprises at least about 10^7 cells.”

AUG 11 2006

The changes requested herein occurred as a result of Patent Office mistake such that the Certificate should be issued without fee, as provided in 37 C.F.R. § 1.322.

No fees are believed to be due in connection with this request. However, the Director is authorized to charge any fees that may required, or credit any overpayment, to Dechert LLP Deposit Account No. 50-2778 (Order No. 375462-002US (355034)).

Respectfully submitted,

Date: August 7, 2006

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12765862.1.BUSINESS

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CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,070,996
APPLICATION NO. : 10/053,355
ISSUE DATE : July 4, 2006
INVENTORS : Rossi

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below.

In column 60, line 32, claim 10, "10⁸" should read -10⁷--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Dechert LLP
P.O. Box 10004
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This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ROSSI	Art Unit:	1633
Serial No.:	10/053,355	Examiner:	LI, Qian Janice
Date Filed:	November 8, 2001	Confirmation No.:	5867
Title:	PRODUCTION OF CULTURED HUMAN MAST CELLS AND BASOPHILS FOR HIGH THROUGHPUT SMALL MOLECULE DRUG DISCOVERY		

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**AMENDMENT AND RESPONSE TO OFFICE ACTION
UNDER 37 CFR § 1.116**

Sir:

Applicant has carefully considered the final Office Action mailed August 22, 2005 in connection with the above-captioned application and request reconsideration of the claims in light of the amendments and remarks herein.

Amendments to the claims are reflected in the listing of the claims that begin on page 2.

Remarks begin on page 4.

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AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listing of claims in the application.

1-36 (Cancelled).

37. (Currently amended) A method of generating cultured functional mast cells, comprising the steps of:

- (a) contacting at least one CD34-positive cell with a flt-3 ligand and stem cell factor to generate a proliferated population of progenitor cells; and thereafter
- (b) contacting said progenitor cells with said stem cell factor and a cytokine suitable for differentiating the progenitor cells into mast cells, thereby forming a proliferated population of functional mast cells.

38. (Previously presented) The method of claim 37 in which the cytokine is IL-6.

39. (Previously presented) The method of claim 38 in which the IL-6 is human IL-6.

40. (Previously presented) The method of claim 37 in which the cytokine is IL-4.

41. (Previously presented) The method of claim 40 in which the IL-4 is human IL-4.

42. (Previously presented) The method of claim 37 in which the flt-3 ligand is human flt-3 ligand.

43. (Previously presented) The method of claim 37 in which the stem cell factor is human stem cell factor.

44. (Previously presented) The method of claim 37 in which the CD34-positive cell is a human CD34-positive cell.

45 (Previously presented) The method of claim 37 in which the CD34-positive cell is obtained from umbilical cord blood.

46. (Previously presented) The method of claim 37 in which the proliferated population of progenitor cells comprises at least about 10^7 cells.

47. (Previously presented) The method of claim 37 in which the proliferated population of progenitor cells comprises at least about 10^8 cells.

48. (Previously presented) The method of claim 37 in which the proliferated population of progenitor cells comprises at least about 10^9 cells.

49. (Previously presented) The method of claim 37 in which the proliferated population of progenitor cells comprises at least about 10^{10} cells.

50. (Previously presented) The method of claim 37 in which the proliferated population of progenitor cells comprises at least about 10^{11} cells.

51-80 (Cancelled).

REMARKS

Prior to this Amendment, Claims 37-50 were pending and under consideration. In this Amendment, Claim 1 is being amended. No claims are being cancelled or added. Thus, following entry of this Amendment, Claims 37-50 are pending and under consideration.

Applicant and the undersigned extend their appreciation to the Examiner for the courtesy shown to the undersigned in discussing the issues remaining in the application. Applicant also thanks the Examiner for the suggested amendment for advancing the prosecution of this case. A summary of the interview conducted on October 18, 2005 is submitted herewith.

I Amendments to the Claims

Pursuant to the discussion between the undersigned attorney representative and the Examiner, Claim 1 has been amended by deleting the term "functional." The amendment is made based on the Examiner's conclusion that deletion of the term eliminates any substantive rejections in the application. The amendment does not add new matter, and entry is therefore kindly requested.

II Rejections Under 35 USC §112, second paragraph: definiteness

Claims 37-50 are rejected under 35 USC §112, second paragraph as being allegedly indefinite. Based on discussions with the Examiner, the term "functional" has been deleted. The cells generated by the claimed method are mast cells and thus sufficiently definite under 35 USC §112, second paragraph. Accordingly, withdrawal of the rejection is respectfully requested.

III Rejections Under 35 USC §112, first paragraph: enablement

Claims 37-50 are rejected under 35 USC §112, first paragraph for being allegedly nonenabled. As discussed above, the term "functional" has been deleted. As noted by the Examiner, practice of the claimed methods results in generation of mast cells. Thus, the claims are sufficiently enabled under 35 USC §112, first paragraph. Accordingly, withdrawal of the rejection is respectfully requested.

IV Conclusion

Applicant submits that the claims under examination satisfy all of the statutory requirements for patentability and are in condition for allowance. An early notification of the same is kindly solicited. If the Examiner believes that there are further unresolved issues, Applicant encourages the Examiner to contact the undersigned with any questions or concerns by telephone at 415.262.4504.

No fees are believed due with this response. However, the Commissioner is authorized to charge any necessary fees, including fees for extensions of time, or credit any overpayment to Dechert LLP Deposit Account No. 50-2778 (Order No. 375462-002US).

Respectfully submitted,

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